IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.69 OF 2005

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L & T Finance Ltd. ...Petitioner

v/s.

Madhya Pradesh State Road
Transport Corporation ...Respondent

...

Ms.Shakuntala Joshi for the Petitioner.

None for the Respondent.

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CORAM: D.K.DESHMUKH, J.

DATED: 21ST MARCH,2005

P.C.:

1. This petition is filed under Section 9 of the Arbitration Act. By notice dated 29-1-2005 the petitioner called upon the Respondent to pay the amount forthwith. Despite due receipt of the notice no payment has admittedly been paid. There are no averments in the Petition that on failure of the Respondent to pay the amount the Petitioner has taken any steps to get the arbitral tribunal constituted. The arbitration clause requires reference to be made to arbitral tribunal of the Bombay Chamber of Commerce.

2. In the absence of any averment in the petition disclosing the steps that have been taken by the Petitioner to get the matter referred to arbitration, in view of the law laid down by the Supreme Court that before making the order under Section 9 of the Act, the court has to satisfy itself that the Petitioner has done everything within his power to get the arbitral tribunal constituted, in my opinion, no interim relief can be granted to the Petitioner.

Petition disposed of.

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